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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,251	10/20/2003	James D. Kovacik	16496	3837

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EXAMINER

LEE, GUIYOUNG

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/689,251	Applicant(s) KOVACIK ET AL.	
	Examiner Guiyoung Lee	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6 and 9-19 is/are rejected.
- 7) ☒ Claim(s) 3-5, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0104</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 3-5 are objected to because of the following informalities: The phrase "Claim 3" appears a typographical error because claim 3 should not depend from claim 3. Claims 4-5 are necessarily objected because of their dependency. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Baake (US 4,156,893 B1).

4. Re claim 1: Baake discloses an elongate hollow cylindrical body (12 in Fig. 1a) formed of a translucent material having a first end and a spaced apart second end; an elongate fluorescent lamp (14) disposed within said body (12) and having a first end with extending conductor pins (16) and a spaced apart second end with extending conductor pins (17); a first socket (18) for receiving said pins (16) of said first end of said lamp; a cap (48) secured to said first end of said body for retaining said first socket (18) within said first end of said body; a second socket (19) for receiving said pins (17) of said second end of said lamp; a handle (70) secured to said second end of said body for retaining said second socket (19) within said second end of said body; an electrical conductor (106, 107) for providing electrical communication

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between a source of electrical energy and said lamp (14), said conductor extending through said handle; and a support means (66) for supporting the assembly.

5. Re claims 9-11: Baake discloses a hook (66) mounted pivotally on the cap (48).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baake as applied to claim 1 above, and further in view of Meltzer (US 6,123,434).

8. Re claims 2 and 6: Baake does not disclose that the cap or the handle are formed of a pair of mating sections. Meltzer teaches a fluorescent worklight having a handle and an end cap, and the handle and the end cap are formed of a pair of mating sections. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Baake's handle and cap to be formed of a pair of mating sections as taught by Meltzer because plastic molding process of making a pair of mating sections of the cap or handle is easier than that of making a round shaped cap or handle.

9. Claims 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baake as applied to claims 1 and 15 above, and further in view of Richardson (US 6,773,130 B1).

10. Re claims 12-19: The teachings of Baake have been discussed above. Baake does not disclose a pair of clip stand. Richardson teaches a fluorescent lamp having a cap and a handle

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having grooves (66 and 70 in Fig. 9). Further, Richardson teaches a pair of clip (40 in Fig. 1) stands including a pair of C-shaped clip (Fig. 12), and the clip stand is releasably attached to the grooves of the cap and the handle. In addition, Richardson teaches an advantage of the clip stand by saying that “ The socket is supported by the clip in such a manner that the expansion socket can still rotate within the clip and also move longitudinally relative to the clip to accommodate expansion and contraction and other effects such as vibration” As a result, Richardson teaches further, Richardson’s lighting system are particularly applicable to extreme environmental conditions, such as outdoors, freezer and storage application, and likes. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ Richardson’s clip stands into Baake’s light assembly when Baake’s light assembly is applied in the extreme environmental conditions because of the advantage described above.

Allowable Subject Matter

11. Claims 3-5 and 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose a boss extending inwardly of the mating sections of the cap and apertures for receiving respective one of the bosses.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY


Sandra O'Shea
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Technology Center 2800